TTAB

GREGORY C. BLISSMAN
1764 NASER ROAD
NORTH VERSAILLES, PA 15137

6/15/14

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
PO Box 1451
Alexandria, VA 22313-1451

RE: Opposition No. 91216214.

Dear Sir/Madam;

Enclosed please find the Answer to Notice of Opposition and Counterclaim that I wish to have filed regarding the above captioned matter.

I thank you for your attention to this matter.

Sincerely,

Gregory C. Blissman

GREGORY C. BLISSMAN

Enclosure:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF TRADEMARK APPLICATION SERIAL NO.: 86137851
MARK: SUPREME STYLE
FILED: DECEMBER 8, 2013

CHAPTER 4 CORP. d/b/a SUPREME

Opposer,

OPPOSITION NO.: 91216214

AGAINST

GREGORY C. BLISSMAN

Applicant.

ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM

ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM

Gregory C. Blissman, Applicant, hereby files this Answer to Notice of Opposition regarding Application Serial No.: 86137851. In support thereof avers the following:

1. Admitted in part. Denied in part. It is admitted that the Opposer, Chapter 4 Corp. d/b/a SUPREME is a fashion company. It is denied that the applicant has any knowledge that the Opposer was created in 1994 in downtown Manhattan specializing in the sale of high-end street/skater fashion. It is denied that the Applicant has any knowledge that the Opposer has an eighteen year history or became the "home" of the New York City skate culture.
2. Denied. It is denied that the Applicant has knowledge that the Opposer, Chapter 4 Corp., has worked with groundbreaking designers, artists, photographers, and musicians. On the contrary, the Applicant is presently aware that the Opposer, Chapter 4 Corp. sells pins depicting an obscene hand gesture and a "play boy" version of an article of clothing.
3. Admitted in part. Denied in part. Is it admitted that the Opposer, Chapter 4 Corp.'s fashion articles, skateboards and accessories, including but not limited to, bags, key chains, stickers and cell phone accessories, are produced in very small limited quantities and sold solely through its website. It is denied that the Applicant has knowledge of the Opposer, Chapter 4 Corp. selling its goods through its boutiques in the U.S., the U.K., and Japan.

4. Denied. The Applicant has no knowledge of the Opposer, Chapter 4 Corp.'s mark being admired by fans across the world and garnering tremendous amounts of unsolicited publicity for its so-called "cutting edge" clothing, headwear, footwear, bags, skateboards, and accessories, being featured in several prominent magazines, many of which several times.
5. Admitted. It is admitted that the Opposer, Chapter 4 Corp.'s mark is promoted throughtout the United States, via the Internet and through the website <www.supremenewyork.com>, Facebook, Twitter, and MySpace.
6. Denied. It is denied that the Applicant has knowledge that the Opposer has continuously used the mark SUPREME in interstate commerce since at least as early as 1994. Opposer provides no sales or advertising data going back to 1994. The mark "SUPREME" was not registered until June 12, 2012. The Opposer does not mention what product categories were involved.
7. Admitted. It is admitted that Opposer is the owner of the Federal Trademark Applications and Registrations listed in paragraph 7 of its Notice of Opposition.
8. Admitted. It is admitted that a copy of Chapter 4 Corp.'s registrations and applications, along with copies of TSDR printouts for each of the SUPREME marks, are attached hereto as Exhibit "A" of its Notice of Opposition.
9. Denied. It is denied that the Applicant has any knowledge of the Opposer spending substantial time, effort, and money promoting its goods under the SUPREME marks. It is denied that the Opposer's mark has dominance of the fashion industry. It is denied that the Opposer's marks have become well known by the general public and in the relevant industries, are recognized and relied upon as identifying Opposer's goods and as distinguishing them from the goods of others and symbolize extremely valuable goodwill belonging exclusively to Opposer. It is expressly denied that the Opposer's marks have become famous within the meaning of Section 43(c) of the Lanham Act, as amended in U.S.C. § 1125(c). On the contrary, the Opposer's products do not appear in any major retail stores nor are they featured in any television, magazine, or third-party internet advertising.

As per the Opposer's paragraph 3 of its Notice of Opposition, its products are produced in very small and limited quantities and are sold solely through its website and its boutiques in the U.S., the U.K. and Japan. To be famous, the mark has to be commonly known in households. Thus, the Opposer's marks have not become famous within the meaning of Section 43(c) of the Lanham Act, as amended in U.S.C. § 1125(c).

10. Admitted. It is admitted that the applicant, Gregory C. Blissman, is an individual with an address of 1764 Naser Road, North Versailles, PA 15137.
11. Admitted. It is admitted that on December 8, 2013, Applicant filed an intent-to-use application for the mark SUPREME STYLE covering Class 18 "leather goods" ("Applicant's mark").
12. Admitted in part. Denied in part. It is admitted that the Opposer has used its marks in connection with its goods. It is denied that the Opposer used its marks in Class 18 "leather goods". In fact, the Applicant's application predates the Opposer in Class 18 "leather goods". Hence, the Applicant should be granted priority in his application.
13. Denied. It is denied that the dominant feature of the Applicants mark is the term "SUPREME." It is denied that the Applicants "Supreme Style" mark is nearly identical to Opposer's "SUPREME" marks in sight, sound, meaning, and commercial impression. On the contrary, while the Opposer's products utilize vulgar symbols and associates itself with pornographic publications such as Playboy, the Applicant's products identifies with elegance, classic style, and high society, not the New York City skate culture. If "style' is generic, the, surely by Opposer's own reasoning, the word "Supreme" is inherently generic. Any type of goods or services could hypothetically be called "Supreme". There are literally thousands of entries of trademarks past and present that either use "Supreme" or a composite of "Supreme". The products range from hair extensions to comic books. When the primary term is weakly protected to being with, minor alterations may effectively negate any confusing similarity between the two marks.

14. Denied. It is expressly denied that Applicant's mark is intended to be used in connection with similar and/or identical goods with which Opposer uses its marks. On the contrary, Applicant's mark is for a class of goods that Opposer has not produced goods in. In fact, Applicant filed his mark for Class 18 "leather goods" on December 8, 2013. The Opposer did not file his own application until four months later in March, 2014.
15. Denied. It is denied that the parties' goods will presumably travel though the same channels of trade. Applicant does not operate boutiques in the U.S., the U.K. and Japan.
16. Denied. It is denied that Opposer and Applicant will presumably travel the same channels of trade. Opposers brand is produced in limited numbers and does not appear in major retail stores.
17. Denied. It is denied that Opposer and Applicant will market and promote their respective goods to the general consuming public without regard to sophistication. On the contrary, Applicant's products are exclusively for women and its appeal is to an older audience. The Opposer has never produced any goods, namely handbags that are covered by this class. It's products allegedly appeal to a younger audience that is enthusiastic about the New York City skate culture.
18. Denied. It is expressly denied that the Applicant's use of the "Supreme Style" mark is likely to cause confusion, mistake or deception with consequent injury to Opposer and the public. On the contrary, the Applicant's mark uses to words and connotes an aura of style and class. Certainly, no one would confuse this image with the Opposer's limited production New York City skate culture goods only available on the Opposer's website and a few boutique stores.
19. Admitted in part. Denied in part. It is admitted that if Applicant is granted registration for the "Supreme Style" mark, it would obtain, thereby, at least a prima facie exclusive right to use the mark. It is denied that such registration would be a source of damage and injury to Opposer. On the contrary, Applicant's mark connotes a meaning and image completely different from Opposer's products.

20. Denied. It is denied that registration should be refused pursuant to Section 2(d) of the Trademark Act of 1946, as amended in U.S.C. § 1052(d), on the grounds that the "Supreme Style" mark so resembles Opposer's "Supreme" marks as to cause confusion, mistake, and/or deception, all to the damage of Opposer. On the contrary, Applicant's mark is a combination of two words that give it a unique image that caters to a different group of potential buyers.

21. Denied. It is expressly denied that Opposer's "SUPREME" marks became famous before the filing date of Applicant's application serial number: 86137851. On the contrary, the Opposer's mark is not known in most households. It's production in small numbers and sales in a few boutique stores have certainly not made it famous.

22. Denied. It is denied that the Opposer will be damaged by registration of Application Serial Number 86137852 because such registration will support Applicant's dilution of Opposer's "SUPREME" marks. It is denied that Opposer's marks are famous. It is denied that registration of Applicant's mark will give color of exclusive statutory right to Applicant in violation and derogation of rights of Opposer. On the contrary, Applicant's "Supreme Style" mark is dissimilar from Opposer's mark and appeals to a different segment of the market.

23. Denied. It is denied that the Applicant's "Supreme Style" mark is likely to cause dilution by blurring of Opposer's "SUPREME" marks within the meaning of 15 U.S.C. § 1125(c). It is denied that Opposer's marks are famous. On the contrary, Applicant's mark is dissimilar to the Opposer's mark. Opposer's marks are not famous with the small production and small number of retail outlets that sell the products.

24. Denied. It is expressly denied that the Applicant's "Supreme Style" mark and Opposer's "SUPREME" marks are sufficiently similar, and therefore, Applicant's mark impairs and is likely to impair the distinctiveness of Opposer's "SUPREME" marks. On the contrary, the Applicant's mark is dissimilar to the Opposer's marks.

WHEREFORE, the Applicant respectfully requests that the opposition to Application Serial Number 86137851 be dismissed with prejudice and that the Trademark Trial and Appeal Board grant any and all further relief to Applicant that the Board finds necessary and just in the circumstances.

COUNTERCLAIM

25. The Applicant incorporates paragraphs 1-24 as if fully state herein.

26. The Applicant believes the two marks in question are dissimilar. However, if the Board rules otherwise, in the alternative, the Applicant claims priority in Class 018 since his application predates the Opposer's application for this Class of goods.

WHEREFORE, the Applicant respectfully request that the Board grant his application and deny the Opposer's mark application for Class 018.

Respectfully Submitted:

Gregory C. Blissman

Gregory C. Blissman
Applicant
1764 Naser Road
North Versailles, PA 15137

CERTIFICATE OF SERVICE

I, Gregory C. Blissman, hereby certify that a true and correct copy of the Answer to Notice of Opposition and Counterclaim was served on Applicant by First Class mail on June 16, 2014 to the following parties:

Mr. Brad D. Rose, Esquire
Pryor Cashman LLP
7 Times Square
New York, NY 10036-6569

Gregory C. Blissman